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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,968	01/02/2004	Jason L. Smith		9686

7590 09/07/2005

Jason L. Smith
420 STRAFFORD AVE 3D
WAYNE, PA 19087

EXAMINER

SCHNEIDER, CRAIG M

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,968

Applicant(s)

SMITH, JASON L.

Examiner

Craig M. Schneider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/02/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/02/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it exceeds 150 words in length. It is important that the abstract does not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

Correction is required. See MPEP § 608.01(b).

2. The disclosure contains the following informalities:

Page 3, line 4 has a grammatical error: "My invention has an advantages of" should be --My invention has the advantages of--.

Page 3, line 11 has number error: Instead of "iv." It should be --iii.--.

Page 6, line 11 has a spelling error: "compete" should be --complete--.

Appropriate correction is required.

Allowable Subject Matter

3. Claims 1-4 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: a second series of valves is attached to the housing and arranged circularly about and in parallel alignment with the lever operator and near the actuator means so as to be actuable by upward axial motion of the actuator means and a third series of valves is attached to the housing and arranged circularly about and in parallel alignment with the lever operator and near the actuator means so as to be actuable by upward axial motion of the actuator means.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5, 6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson et al. (3,589,242).

Regarding claims 5 and 8; Peterson et al. disclose a pressurized fluid control mechanism including tilt/push/pull operation (col. 1, ll. 51-63). The mechanism includes a housing (47), a lever operator (51), swivel joint (53) secured to the housing and supportive of the lever operator in a manner allowing the lever operator both tilting and axial motion (col. 4, ll. 54-59), an actuator means (60 and 67) extending radial reach of the lever operator and capable of applying an actuation force parallel to the lever operator is attached to the lever operator and moveable therewith (col. 4, ll. 70-73 and col. 5, ll. 13-25), a first series of valves (36B-1, 36B-2, 36C-1, and 36C-2) is attached to the housing and arranged radially to the lever operator axis so as to be selectively actuated by tiltable movement of the lever operator (col. 5, ll. 26-52 and col. 3, 7-14), a second series of valves (36A-1 and 36A-2) are attached to the housing and arranged circularly about and in parallel alignment with the lever operator and near the actuator means so as to be actuable by axial motion of the actuator (col. 5, ll. 53-67).

Regarding claim 6; Peterson et al. disclose each the pressure regulator (38) plumbed in series with each valve wherein each of the valves can be controlled with it's

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own unique pressure. (Note: The solenoid valve is plumbed in line for each switch/valve. Each solenoid valve controls the unique pressure that is allowed through the valve.)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (3,589,242) in view of Hori et al. (6,601,386).

Peterson et al. have taught all the features of the claimed invention, except that the mechanism includes a means surrounding the lever operator capable of assisting accurate angular alignment by the lever operator to specific valve of the first series of valves, and with a minimal chance for accidental activation of other valves of the first series of valves. Hori et al. teach the use of a means surrounding the lever operator (41) capable of assisting accurate angular alignment by the lever operator to specific valve of the first series of valves, and with minimal chance for accidental activation of other valves of the first series of valves (col. 17, ll. 66-67 onto col. 18, ll. 1-8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the means surrounding the lever of Hori et al. onto the housing cover plate of Peterson et al. as taught by Hori et al. (col. 17, ll. 66-67 onto col. 18, ll. 1-8), in order to make the lever easier to manipulate.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eitel (3,056,867), Stevens (4,680,465), Yamamoto et al. (6,655,229), Brown (5,692,541), Clingerman (3,131,574), Schmidt (4,237,629), Mueller (5,743,297), Watson et al. (4,206,602), and Harshman et al. (4,421,135) disclose other types of joystick controllers.


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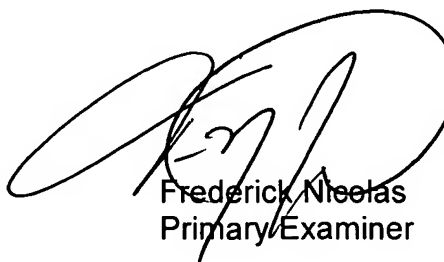
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS
August 31, 2005


Craig Schneider
Patent Examiner
Art Unit 3752

 9/2/05
Frederick Nicolas
Primary Examiner